

## **REMARKS**

### **Status of Claims**

Claims 1-7 and 11-14 are pending in the application. Claims 1-7 and 9-14 stand rejected. Claims 1 and 7 have been amended by this amendment. Favorable reconsideration is respectfully requested in light of the following remarks.

### **Rejection Under 35 U.S.C. 101**

Claims 1-7 and 11-14 stand rejected under 35 U.S.C. 101. The Office states that the claimed invention is directed to non-statutory subject matter.

Applicants have amended claims 1 and 7 to omit the process language. The first nozzle is referred to as an “air-emitting” nozzle and the second nozzle is referred to as a “fluid-emitting” nozzle.

### **Rejection Under 35 U.S.C. 112**

Claims 1-7 and 11-14 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner states that he “could find no support for an “apparatus for cooling filaments in a filament forming process” which has a bushing and a gathering shoe” in claims 1 and 7.

Applicants respectfully traverse this rejection. Support for the subject matter can be found in Fig. 1. The bushing is designated as numeral 12 and the gathering shoe is designated as numeral 16. Further support can be found at page 5, lines 12-19 in the specification.

Applicants respectfully submit that there is adequate support for the bushing and gathering use in Applicants’ written description.

The Office states, “that there does not appear to be support for the second nozzle directing a fluid at the filaments down stream of the air directed by the first nozzle.”

Applicants respectfully traverse this rejection. Support for the second fluid-emitting nozzle positioned downstream of the air-emitting nozzle can be found in Fig. 2 and in the specification at page 6, lines 16-19.

Claims 1-7 and 11-14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 1 and 7 to omit the method steps.

Applicants respectfully request that the 112 rejections of claims 1-7 and 11-14 be withdrawn.

#### **Rejection Under 35 U.S.C. 102(b)**

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Reese (4,141,709).

In contrast to Applicants’ claimed invention, Reese teaches an apparatus for producing glass fibers having spray nozzles 18, 22 which direct **cooling liquid** (emphasis added) i.e., water at the glass filaments (see col. 3, lines 56-59). Reese specifically teaches directing **liquid** from the spray nozzles.

Nowhere does Reese teach or suggest an apparatus having a first air-emitting nozzle, as Applicants’ claim (claim 1).

It would not have been obvious to use an air-emitting nozzle to direct air from the nozzles of Reese. Reese specifically teaches that the environment below the glass fiber forming bushing is controlled by creating a vortex of air in front of the bushing using a pair of cooling panels, **flowing a liquid** (emphasis added) cooling **fluid across the filaments via spray nozzles** and carrying the cooling fluid upwardly toward the

bushing by means of the air vortex to thereby create a mist or fog of liquid cooling fluid in the region immediately below the bushing (col. 2, lines 27-35).

Accordingly, Applicants respectfully submit that claim 1 clearly defines over Reese. Accordingly, Applicants respectfully request that the 102(b) rejection of claim 1 be withdrawn.

**Rejection Under 35 U.S.C. 103(a)**

Claims 1-4, 6-7, and 9-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols et al. (4,033,742) in view of Flautt et al. (5,055,119).

The Examiner states that claims 7 and 9-14 are clearly met by Nichols et al. in view of Flautt et al.

The Examiner states that Nichols et al. show the invention of bushing 14, two different nozzles 16 and 16' where they are both downstream of the bushing and 16' (the second nozzle) being downstream of the other nozzle. Nichols et al. teach, at col. 8, lines 59-60, that nozzles 16, 16' are arranged in a generally opposing relationship on two sides of the orifice area.

Applicants have amended claims 1 and 7 to clarify that the first and second nozzles point downwardly away from the bushing bottom plate. **Nichols et al. teach away from Applicants' claimed invention**, see col. 6, lines 38-41, "The nozzles should be located relative to the orifice area so the cross-section of air flow at the orifice plate extends sufficiently to include the edge of the orifices nearest the nozzle."

Applicants respectfully submit that the amendment to claims 1 and 7 contain no new matter and support for the amendment can be found in Figs. 2 and 3 and in the specification at page 6, lines 5-6.

Applicants respectfully request that the 103(a) rejection of claims 1 and 2-4 and 6, which ultimately depend from claim 1, and claims 7 and 11-14, which ultimately depend from claim 7, be withdrawn.

Claims 4-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reese as applied to claim 1, above, and further in view of Haruch (6,161,778).

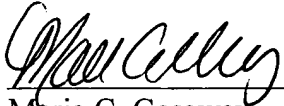
As stated above, Reese does not teach or suggest Applicants' claimed invention (claim 1). Claims 4-5 ultimately depend from claim 1 and contain the limitations thereof. As such, Applicants respectfully request that the 103(a) rejection of claims 4-5, which ultimately depend from claim 1, be withdrawn.

### **Conclusion**

In view of the above, it is submitted that claims 1-7 and 11-14 are in condition for allowance. Reconsideration of the rejections is requested. Allowance of all claims at an early date is solicited. If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicants authorize any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,

  
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